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Letter dated 25 July 2008 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to article 13 bis, paragraph 2, of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, which reads:

> "In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 13 of the statute for the remainder of the term of office concerned."

I should like to inform you that Judge Wolfgang Schomburg, a national of Germany, has resigned as a permanent judge of the Tribunal, effective 18 November 2008.

The Government of Germany has presented the candidacy of Christoph Flügge to replace Judge Schomburg. His curriculum vitae is attached (see annex).*

It is my view that Mr. Flügge meets the qualifications prescribed in article 13 of the statute of the Tribunal. I also consider that Mr. Flügge's appointment would ensure adequate representation on the Tribunal of the principal legal systems of the world, as contemplated in article 13 bis, paragraph 1 (c), of the statute.

I should therefore like to proceed to consultation with you on the appointment of Mr. Flügge, in accordance with article 13 bis, paragraph 2, of the statute of the Tribunal. I look forward to receiving your views on the matter.

(*Signed*) **Ban** Ki-moon

* The annex is being circulated in the language of submission only.

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Annex

Curriculum vitae

Christoph Flügge

Born 14 July 1947

Professional career

Since 2007	(and before) Expert in criminal matters for the Council of Europe and for the German Foundation for International Legal Cooperation (IRZ) on implementation of Council of Europe conventions in the penal field and on reform of the prison system in Ukraine, Russian Federation, Romania, Estonia, Lithuania
2001-2007	Secretary of State at the Senate Justice Department in Berlin as head of the judiciary including the Courts of Berlin, the General Prosecutor and the Prison Administration of Berlin
1989-2001	Head of the prison department in the Senate Justice Department in Berlin
1983-1989	Criminal judge at the County Court and the Criminal District Court in Berlin
1978-1983	Civil servant and head of division in the prison department of the Senate Justice Department in Berlin
1977-1978	Public Prosecutor in Berlin
1976	Personal Assistant of the Senator for the Interior in Berlin, who was responsible for public security (including criminal investigation matters) and constitutional matters in Berlin
1976	Second State Examination in Berlin
1973-1976	Junior lawyer in Berlin
1973	First State Examination in Berlin
1969-1971	Assistant of a German Member of Parliament (Bundestag) in Bonn, who was a member of the legal commission of Parliament
1967-1973	Study of law at the Free University of Berlin and in Bonn

Membership of professional bodies

Since 1996 member of the Steering Committee (now: PPMM) of the Council of Europe for the Reform of the Ukrainian Prison System

2002-2004 and 2006-2008 member of the board of curators of the German Foundation for International Legal Cooperation

2001-2007 member of the Council of the Foundation for the Memorial Berlin-Hohenschönhausen (former central pre-trial prison of the Secret Service of the German Democratic Republic (Stasi))

2001-2007 member of the board of curators of the Berlin University of Applied Sciences for Administration and Justice

1989-2001 member of the Penitentiary Commission of the German Bundesländer

Since 1989 member of the German League of Prison Governors

Related activities

Expert of the Council of Europe (seminars with the Ministry of Justice and the Supreme Court of Ukraine and with the Prison Administration of Lithuania)

Expert of the German Foundation for International Legal Cooperation (seminars with Russian Mercy Commissions, the Estonian Chancellor of Law and the National Administration for Penitentiaries of Romania)

Consultant of the Estonian Ministry of Justice and the Austrian Prison Administration

Publications

1990 DDR-Strafvollzug: Recht statt Drill, in *Neue Kriminalpolitik* 1990

1991 Alter Geist — neue Probleme, Strafvollzug nach der Wiedervereinigung, in *Neue Kriminalpolitik* 1991

1991 Der Anfang der Gemeinsamkeit, in *Zeitschrift für Strafvollzug und Straffälligenhilfe* 3/91

1992 Auf der Suche nach neuen Wegen im Strafvollzug, in Cremer-Schäfer, ed., *Im Namen des Volkes?* (Katholische Akademie Rabanus Maurus Wiesbaden, Idstein 1992)

1993 Zur Organisation und Situation des Justizvollzuges in der Bundesrepublik Deutschland, in *Zeitschrift für Strafvollzug und Straffälligenhilfe* 3/93

1995 Wie war es wirklich in den DDR-Gefängnissen? Uber die Schwierigkeiten mit einer "amtlichen Auskunft", in *Horch und Guck* 17,4/95 and in *Zeitschrift für Strafvollzug und Straffälligenhilfe* 2/96

1997 Assessment of the Ukrainian Prison System (Lakes/Fliigge/Philip/Nestorovic-Report), Council of Europe, Strasbourg 1997 (UKR V.B.4 (97) 1)

1997 ... und sie bewegt sich doch, Debatte um die Todesstrafe in der Ukraine, in *ai-Journal* 6/97

1998 Berlin zeigt Mut zur Reform, in *Neue Kriminalpolitik* 1/1998

1999 Dienstleistungsunternehmen Strafvollzug, in Bruhn, Stauss, *Dienstleistungsqualität*, 3rd ed. (Wiesbaden 1999)

1999 Untersuchungshaftanstalten des MfS, in *Strafvollzug in den neuen Bundesländern* (Kriminologische Zentralstelle, Wiesbaden 1999)

2000 Kommerzialisierung des Strafvollzuges? in *Everything for sale?* Documentation of a session of the Evangelische Akademie Mülheim an der Ruhr, February 2000

2000 Gefängnisse als Aktiengesellschaften? in *Das Geschäft mit der Sicherheit* (Friedrich-Ebert-Stiftung, Berlin 2000)

2000 Instrumentalisierung der VoUzugsmedizin zu nichtmedizinischen Zwecken, in *Zeitschrift für ärztliche Fortbildung und Qualitätssicherung* 4/2000

2001 Von der Aufsicht zur Globalsteuerung, in Fltigge, Maelicke and Preusker, eds., *Das Gefängnis als lernende Organisation* (Baden-Baden 2001)

2001 Internationale Beziehungen und Kontakte im Strafvollzug, in Herrfahrdt, ed. *Strafvollzug in Europa* (Hanover 2001)

2002 Rechte Gewalttäter in Haft — und was dann? in *Zeitschrift für Strafvollzug und Straffälligenhilfe* 2/02

2002 Haushaltsfragen als Stolpersteine für strafrechtliche Innovationen, in *Gemeinnützige Arbeit statt Knast* (Friedrich-Ebert-Stiftung, Berlin 2002)

2003 Aufbruch in eine neue Reformphase im deutschen Justizvollzug, in Maelicke, Fltigge and Preusker, eds., *Perspektiven und Strategien zur Modernisierung des Strafvollzuges* (Baden-Baden 2003)

2003/2004 Freiheitsstrafe und Gefängnissystem in Deutschland — Vangiakaristus ja vanglasüsteem Saksamaal, in *Juridica International* VIII/2003 and *Juridica* III/2004 (Tartu/Estland)

2004 Reassessment of the Needs of the Ukrainian Prison System, Council of Europe Strasbourg 2004 (SG/Ukraine (2003) 1 REV)

2004 Wertimplikationen im Studium für den öffentlichen Dienst im zusammenwachsenden Europa, in 15. Glienicker Gespräch, Fachhochschule für Verwaltung und Rechtspflege, Berlin 2004

2005 100. Tagung des Strafvollzugsausschusses der Länder, in *Zeitschrift für Strafvollzug und Straffälligenhilfe* 1/05

2007 Wozu brauchen wir noch den Staat? Die Privaten auf dem Vormarsch? in *Forum Strafvollzug* 5/2007